

FILED
11/21/16 2:37 pm
CLERK
U.S. BANKRUPTCY
COURT - WDPA

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:

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| RALPH A. MCKINLEY AND JACQUELINE L. MCKINLEY, <i>Debtors,</i> | : | Case No. 15-10730-TPA |
| | : | Chapter 7 |
| RALPH A. MCKINLEY AND JACQUELINE L. MCKINLEY, <i>Movants,</i> | : | Related to Doc Nos.46 and 73. |
| v. | : | Hearing: December 5, 2016, at 11:00 AM. |
| RUSHMORE LOAN MANAGEMENT, LLC, <i>Respondent.</i> | : | |
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ORDER

On October 8, 2015, the Court entered a ***Loss Mitigation Order*** at Document No. 46, for the Debtors request to pursue Loss Mitigation of a mortgage held by Rushmore Loan Management, LLC. (“Rushmore”). On Aril 18, 2016, the Court also entered an ***Order Approving Interim Loan Modification*** at Document No. 73, under which the Debtors were to make trial payments concluding in September, 2016. As of the date of this Order the case has been pending in the LMP for 411 days.

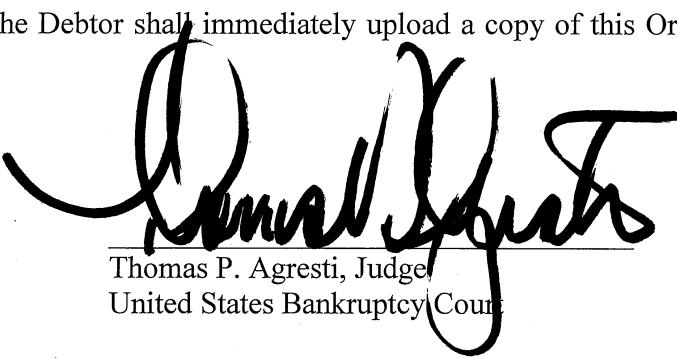
The Debtors appear to have made all their trial payments under the Interim Modification. *W.D.Pa. LBR 9020-6(f)* requires a creditor to extend an offer to enter into a final loan modification within 14 days after receipt of the last payment under an Interim Loan Modification. However, a review of the DMM Portal for this case shows that no permanent modification has been offered to the Debtors.

AND NOW, this ***21st*** day of ***November, 2016***, it is hereby ***ORDERED, ADJUDGED*** and
DECREED that

(1) A ***Status Conference*** is scheduled for ***December 5, 2016***, at ***11:00 AM*** in the Erie Bankruptcy Courtroom, U.S. Courthouse, 17 South Park Row, Erie, PA, 16501 at which ***Counsel for the Debtors***, and ***Counsel for Rushmore Loan Management, LLC.***, and ***Pratik Shah***, DMM Point of Contact to Rushmore with complete knowledge of the file so as to be reasonably capable of answering questions by the Court related to the LMP and with full authority to make decisions on behalf of Rushmore regarding the LMP pursuant to ***W.D.Pa. LBR 9020-3(e)*** shall ***personally appear*** to explain the status of the LMP which has been pending for 411 days without final resolution and why a Final Loan Modification has not been offered to the Debtors.

(2) In the event that there is immediate and appropriate compliance with the Court's Loss Mitigation procedures, by way of the filing of Rushmore's offer of a final loan modification and the Debtors' filing a ***Motion to Authorize Loan Modification*** or a ***Loss Mitigation Final Report***, the Court may cancel the ***Status Conference***.

(3) Counsel for the Debtor shall immediately upload a copy of this Order on the DMM Portal.



Thomas P. Agresti, Judge
United States Bankruptcy Court

Case Administrator to serve:

Debtors
Gary V. Skiba, Esq.
Rushmore Loan Management, LLC
c/o Andrew F Gornall, Esq.
KML Law Group, P.C
and Pratik Shah, DMM Point of Contact
1755 Wittington Pl Suite 400, Dallas, TX 75234
Tamera Ochs Rothschild, Esq., Chapter 7 Trustee

In re:
Ralph A. McKinley
Jacqueline L. McKinley
Debtors

Case No. 15-10730-TPA
Chapter 7

CERTIFICATE OF NOTICE

District/off: 0315-1

User: amaz
Form ID: pdf900

Page 1 of 1
Total Noticed: 2

Date Rcvd: Nov 21, 2016

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Nov 23, 2016.

db/jdb +Ralph A. McKinley, Jacqueline L. McKinley, 746 Bobwhite Drive, Hermitage, PA 16148-3262
+Rushmore Loan Management, LLC, Attn: Pratik Shah, DMM Point of Contact,
1755 Wittingham Pl Suite 400, Dallas, TX 75234-1928

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE.

TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Nov 23, 2016

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on November 21, 2016 at the address(es) listed below:

Andrew F Gornall on behalf of Creditor Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as trustee for Carlsbad Funding Mortgage Trust agornall@goldbecklaw.com, bkgroup@goldbecklaw.com;bkgroup@kmllawgroup.com
Brett A. Solomon on behalf of Creditor Santander Consumer USA Inc., successor in interest to Drive Financial Services bsolomon@tuckerlaw.com, dparanay@tuckerlaw.com;apetronchak@tuckerlaw.com;agilbert@tuckerlaw.com
Gary V. Skiba on behalf of Debtor Ralph A. McKinley gskiba@yochim.com, donna@yochim.com;rose227@hotmail.com
Gary V. Skiba on behalf of Joint Debtor Jacqueline L. McKinley gskiba@yochim.com, donna@yochim.com;rose227@hotmail.com
Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov
T. Lawrence Palmer on behalf of Creditor T. Lawrence Palmer Office of Attorney General, Pennsylvania Department of Revenue lpalmer@attorneygeneral.gov, MarkSPalmerPC@aol.com
Tamera Ochs Rothschild trothschild@gmx.com, pa70@ecfcbis.com

TOTAL: 7